

Last revised 8/1/15

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

IN RE: Marvis Delee

CASE NO.: 15-22595

(Debtor)

JUDGE: _____

CHAPTER: 13

CHAPTER 13 PLAN AND MOTIONS

Original Modified/ Notice Required Discharge Sought
 Motion Included Modified/No Notice No Discharge Sought
Required

Date: _____

THE DEBTOR HAS FILED FOR RELIEF UNDER CHAPTER 13
OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate Notice of the Hearing on Confirmation of Plan, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

PART 1. PAYMENT AND LENGTH OF PLAN

a. The Debtor has paid \$5336.47 and then shall pay \$300.00 per month for 18 months to the Chapter 13 Trustee for approximately 36 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

Future Earnings
 Other sources of funding (describe source, amount and date when funds are available) _____

c. Use of real property to satisfy plan obligations:

Sale following assets _____ on or before _____

Refinance following assets _____ on or before _____

Loan Modification with respect to mortgage encumbering the
following property Woodlawn Ave on or before August 31, 2017

d. The regular monthly mortgage payments will continue pending the sale,
refinance or loan modification

e. Other information that may be important relating to the payment and
length of the plan.

PART 2. **ADEQUATE PROTECTION**

a. Adequate protection payments will be made in the amount of \$_____ to be
paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____
(creditor).

b. Adequate protection payments will be made in the amount of \$_____ to be
paid directly by the debtor outside, pre-confirmation to _____ (creditor).

Part 3. **PRIORITY CLAIMS (INCLUDING ADMINISTRATIVE EXPENSES)**

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
The Law Office of Peter E. Zimnis, Esquire	Administrative	\$per ct order
Albert Russo, Trustee	Administrative	\$

PART 4. **SECURED CLAIMS**

a. **Curing Default and Maintaining Payments**

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

<u>ASC / WF</u> <u>Flagstaff /Credit Acceptance</u>	<u>House</u> <u>Car</u>	<u>\$44801.19</u> <u>Current</u>		<u>\$44801.19</u> <u>Current</u>	<u>Debtor to maintain post petition payments on all secured debts listed in this subsection</u>
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b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the “Value of the Creditor Interest in Collateral” plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having “NO VALUE” it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRE the appropriate motion to be filed under Section 7 of the Plan

<u>Creditor</u>	<u>Collateral</u>	<u>Scheduled Debt</u>	<u>Total Collateral Value</u>	<u>Superior Liens</u>	<u>Value of Creditor Interest in Collateral</u>	<u>Annual Interest Rate</u>	<u>Total Amount to Be Paid</u>

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

<u>Creditor</u>	<u>Collateral to be Surrendered</u>	<u>Value of Surrendered Collateral</u>	<u>Remaining Unsecured Debt</u>

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan: _____

e. Secured Claims to be paid in full through the plan:

<u>Creditor</u>	<u>Collateral</u>	<u>Total Amount to be paid through the plan</u>	

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Part 5. UNSECURED CLAIMS

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

Not less than \$ _____ to be distributed *pro rata*

Not less than _____ percent

Pro rata distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

<u>Creditor</u>	<u>Basis for Separate Classification</u>	<u>Treatment</u>	<u>Amount to be Paid</u>

PART 6. EXECUTORY CONTRACTS AND UNEXPIRED LEASES

All executory contracts and unexpired leases are rejected, **except** the following, which are **assumed**:

<u>Creditor</u>	<u>Nature of Contract or Lease</u>	<u>Treatment by Debtor</u>

PART 7. MOTIONS

NOTE: All plans containing motions must be served on all potentially affected creditors, together with a Chapter 13 Plan Transmittal Letter, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Proof of Service must be filed with the Clerk of Court when the Plan and Transmittal Letter are served

Where a motion to avoid liens or partially avoid liens has been filed in the plan, a proof of claim filed that asserts a secured claim that is greater than the amount to be paid in the plan serves as opposition to the motion, and serves as an objection to confirmation. The proof of claim shall be served in accordance with D.N.J. LBR 3015-6(a). The creditor shall file a proof of service prior to the scheduled confirmation hearing. In order to prosecute the objection, the creditor must appear at the confirmation hearing, which shall be the hearing on the motion. Failure to appear to prosecute the objection may result in the motion being granted and the plan confirmed pursuant to the terms as set forth in the plan.

a. **Motion to Avoid Liens under 11 U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

<u>Creditor</u>	<u>Nature of Collateral</u>	<u>Type of Lien</u>	<u>Amount of Lien</u>	<u>Value of Collateral</u>	<u>Amount of Claimed Exemption</u>	<u>Sum of All Other Liens Against the Property</u>	<u>Amount of Lien to be Avoided</u>

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b. **Motion to Void Liens and Reclassify Claim from Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

<u>Creditor</u>	<u>Collateral</u>	<u>Amount of Lien to be Reclassified</u>

c. **Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

<u>Creditor</u>	<u>Collateral</u>	<u>Amount to be Deemed Secured</u>	<u>Amount to be Reclassified as Unsecured</u>

PART 8. OTHER PLAN PROVISIONS

a. **Vesting of Property of the Estate**

Upon Confirmation
 Upon Discharge

b. **Payment Notices**

Creditors and Lessors provided for in Sections 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. **Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions/Debtor's counsel
- 2) DSO (if applicable)
- 3) Secured Claims
- 4) Priority claims
- 5) General Unsecured claims

d. **Post-petition claims**

The Trustee is not authorized to pay post-petition claims filed pursuant to 11

U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

PART 9. MODIFICATION

If this plan modifies a plan previously filed in this case, complete the information below.

Date of plan being modified: _____

Explain below why the plan is being modified Additional time is requested for the loan modification. Paperwork is under review with Underwriters.

Explain below how the plan is being modified See part 1c _____

Are schedules I and J being filed simultaneously with this plan? yes no X no

PART 10

SIGN HERE

The Law Office of Peter E. Zimnis

Date _____ /s/ John A. Zimnis
Attorney for the Debtor

I hereby certify under penalty of perjury that the foregoing is true and correct.

Date _____ /s/ Marvis Delee
Debtor

Date _____ /s/
Joint Debtor (if any)

Certificate of Notice Page 7 of 8
United States Bankruptcy Court
District of New JerseyIn re:
Marvis R DeLee
DebtorCase No. 15-22595-KCF
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 33

Date Rcvd: Feb 07, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 09, 2017.

db +Marvis R DeLee, 243 Woodlawn Avenue, Hamilton, NJ 08609-1703
 cr +Deutsche Bank National Trust Company, as Trustee f, Wells Fargo Bank, N.A.,
 Attention: Bankruptcy Department, MAC #D3347-014, 3476 Stateview Boulevard,
 Fort Mill, SC 29715-7203
 515605813 +ASC, PO Box 1820, Newark, NJ 07101-1820
 515605812 +Anthony Apicelli, Esq., Re: Cadet Motors; DC 2189-06, 2121 Rt. 33,
 Trenton, NJ 08690-1740
 515605814 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, 4161 Piedmont Pkwy, Greensboro, NC 27410)
 515605829 ++C O AMERICAN INFOSOURCE LP, 4515 N SANTA FE AVE, OKLAHOMA CITY OK 73118-7901
 (address filed with court: T-Mobile, PO Box 742596, Cincinnati, OH 45274)
 515605818 +Comenity Capital (Ashley Stewart), PO Box 182120, Columbus, OH 43218-2120
 515605819 +Convergent, Re: T Mobile, 800 SW 39th St, PO Box 9004, Renton, WA 98057-9004
 515605820 #+Debt Recovery Solutions, 900 Merchants Concourse, Re: Verizon, Westbury, NY 11590-5121
 515730269 #+Debt Recovery Solutions LLC, 900 Merchant Concourse, Suite LL-11, Westbury, NY 11590-5121
 515816961 +Deutsche Bank National Trust Company, as Trustee f, c/o Americas Servicing Company,
 Attention: Bankruptcy Department, MAC# D3347-014, 3476 Stateview Blvd.,
 Fort Mill, SC 29715-7203
 515605821 +Fein Such Kahn & Sheppard, Re: CACH of NJ; DC 8035-09, 7 Century Drive, Suite 201,
 Parsippany, NJ 07054-4609
 515605823 +Flagship Credit Acceptance, PO BOX 975658, Dallas, TX 75397-5658
 515605824 +Lenox Law Office, Re: American Trading; DC 2663-99, 101 Grovers Mill Road, Suite 303,
 Lawrenceville, NJ 08648-4706
 515605825 +Pluese, Becker & Saltzman, Re: ASC, 20000 Horizon Way, Mount Laurel, NJ 08054-4318
 515777569 +Poranica LLC, P. O. Box 11405, Memphis, TN 38111-0405
 515605827 +Pressler & Pressler, Re: Midland Funding; DC 1847-11, 7 Entin Road,
 Parsippany, NJ 07054-5020
 515605826 +Pressler & Pressler, Re: New Century; DC 969-12, 7 Entin Road,
 Parsippany, NJ 07054-5020
 515605828 #+Reliable Collection Agency, PO Box 7257, Re: Takeeta Jennings, Paterson, NJ 07509-7257
 516450766 +Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300,
 Highlands Ranch, Colorado 80129-2386
 515605830 +Verizon NJ, 500 Technology Drive, Weldon Spring, MO 63304-2225
 515605831 +Wells Fargo, PO Box 11701, Newark, NJ 07101-4701

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Feb 07 2017 22:40:42 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Feb 07 2017 22:40:39 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 515605811 +E-mail/Text: ally@ebn.phinsolutions.com Feb 07 2017 22:39:43 Ally Financial,
 P. O. Box 380901, Bloomington, MN 55438-0901
 515723466 E-mail/Text: ally@ebn.phinsolutions.com Feb 07 2017 22:39:43 Ally Financial,
 PO Box 130424, Roseville, MN 55113-0004
 515627543 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Feb 07 2017 22:42:49
 American InfoSource LP as agent for, T Mobile/T-Mobile USA Inc, PO Box 248848,
 Oklahoma City, OK 73124-8848
 515605816 +E-mail/Text: banko@berkscredit.com Feb 07 2017 22:40:12 Berks Credit & Collection,
 Re: medical, 900 CORPORATE DR, Reading, PA 19605-3340
 515605815 +E-mail/Text: banko@berkscredit.com Feb 07 2017 22:40:12 Berks Credit & Collection,
 Re: medical, PO Box 329, Temple, PA 19560-0329
 515605817 +E-mail/Text: ebn@squaretowfinancial.com Feb 07 2017 22:41:11 CACH LLC, Re: Metris,
 4340 S Monaco St, fl 2, Denver, CO 80237-3485
 515699256 +E-mail/Text: bankruptcy@flagshipcredit.com Feb 07 2017 22:40:54
 FC Funding LLC c/o Flagship Credit Acceptance, LLC, 3 Christy Drive,
 Chadds Ford, PA 19317-9670
 515605822 +E-mail/Text: bnc-bluestem@quantum3group.com Feb 07 2017 22:41:25 Fingerhut (Web Bank),
 6250 Ridgewood Rd, Saint Cloud, MN 56303-0820
 515725824 E-mail/Text: bnc-quantum@quantum3group.com Feb 07 2017 22:40:31
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
 TOTAL: 11

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0312-3

User: admin
Form ID: pdf901

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Total Noticed: 33

Date Rcvd: Feb 07, 2017

***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 09, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 4, 2017 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com

Albert Russo docs@russotrustee.com

Jennifer R. Gorchow on behalf of Creditor DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR HSI ASSET SECURITIZATION CORPORATION TRUST 2006-WMCI, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-WMCI nj.bkecf@fedphe.com

John Zimnis on behalf of Debtor Marvis R DeLee njbankruptcylaw@aol.com.

TOTAL: 4